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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Yoshinori Matsui

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WENDEROTH, LIND & PONACK, L.L.P.

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WASHINGTON, DC 20006-1021

EXAMINER

SINGH, RACHNA

ART UNIT

PAPER NUMBER

2176

DATE MAILED: 01/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/767,843	Applicant(s) MATSUI, YOSHINORI	
	Examiner Rachna Singh	Art Unit 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/01/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Amendments filed 09/29/05.
2. Claims 16-29 are pending. Claims 1-15 were cancelled by the amendment.
Claims 16, 21, 26, 28, and 29 are independent claims.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 12/01/05 is being considered by the examiner.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 16-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Batson et al., US 6,098,126, 8/1/00 (filed on 10/27/98).

In reference to claims 16 and 28-29, Batson discloses a method and apparatus for synchronization of data retrieval and presentation for motion pictures. See column 1, lines 19-39. Batson discloses the following:

-An apparatus comprising storage media, storage device, and a scheduling unit. The multimedia data (video, audio, or text) can be remotely stored on a storage device that is accessed via a network. The scheduling unit comprises a retrieval unit for retrieving

multimedia data from the storage device at or before a specified play time. See columns 2 and 3, lines 1-19. Compare to ***“a first reception unit for receiving location information indicating the locations of the data sources having the respective media data on the network, first time information indicating the playback start times of the respective media data, and second time information for requesting the respective media data from the corresponding data source”***.

-A scheduling unit for retrieving multimedia data from the storage device at or before the specified play time. The scheduling unit comprises a retrieval unit for retrieving the data from the source based on the scheduled time. See columns 3-6. Compare to ***“a time setting unit. . . a data request unit. . . a second reception unit for receiving the media data supplied from the data source according to the request from the data request unit”***.

In reference to claim 17, Batson discloses a scheduling unit for retrieving multimedia data from the storage device at or before the specified play time. The scheduling unit comprises a retrieval unit for retrieving the data from the source based on the scheduled time. See columns 3-6. Batson further teaches that the system takes into account the latency and performance of the data source when scheduling the data retrieval. See column 7, lines 27-42.

In reference to claim 18, Batson discloses a scheduling unit for retrieving multimedia data from the storage device at or before the specified playtime. The scheduling unit comprises a retrieval unit for retrieving the data from the source based on the scheduled time. See columns 3-6.

In reference to claim 19, Batson discloses a scheduling unit for retrieving multimedia data from the storage device at or before the specified play time. The scheduling unit comprises a retrieval unit for retrieving the data from the source based on the scheduled time. See columns 3-6. Batson further teaches that the system takes into account the latency and performance of the data source when scheduling the data retrieval. See column 7, lines 27-42. A scheduling unit for retrieving multimedia data from the storage device is set before the specified play time. The scheduling unit takes into account any expected delays and latency before setting the data retrieval time. See columns 6-8.

In reference to claim 20, Batson discloses a scheduling unit for retrieving multimedia data from the storage device at or before the specified playtime. The scheduling unit comprises a retrieval unit for retrieving the data from the source based on the scheduled time. See columns 3-6.

Claims 21-25 are rejected under the same rationale used in claims 16-20 respectively above.

Claims 26-27 are rejected under the same rationale used in claims 16-17 respectively above.

Response to Arguments

Applicant's arguments filed 09/29/05 have been fully considered but they are not persuasive.

Applicant argues Batson does not teach information separate from the actual media data. In other words, Batson does not teach (1) first time information indicating

playback start times of the pieces of media data and (2) second time information indicating a time at which the pieces of media data should be requested from the data sources. Applicant further argues Batson teaches a system that requires the actual multimedia data at or before a specified time and does not receive information separate from the actual media data. Examiner respectfully disagrees. Batson discloses a scheduling unit comprising a retrieval unit for retrieving multimedia data from the storage device at or before a specified playtime. See columns 2 and 3, lines 1-19. Even if Batson's retrieval of data is done before the specified playtime, it is unclear how this rules out the limitation "information indicating a time at which pieces of media data should be requested from the data sources" or "information separate from the actual media data". Whether the data is retrieved before or after the playtime is irrelevant to when the pieces of data are requested from the data source. In other words, Batson's scheduling unit for retrieving multimedia data from a storage device meets the limitation "information indicating times at which the respective media data are to be requested from the respective data source". Furthermore, as currently recited, the claim does not require the media data to be separate from the playback start time. It states that information indicating playback start times and information indicating times at which the media data are to be requested are received, but nothing in the claim language prohibits this information from being received simultaneously. Even if this were the case, Batson still teaches receiving media data at another time.

In view of the comments above, the rejection is maintained.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachna Singh whose telephone number is 571-272-4099. The examiner can normally be reached on M-F (8:30AM-6:00PM). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136.

Art Unit: 2176

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RS
12/21/05

William S. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
12/22/2005